

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

B.P.J., by her next friend and mother, HEATHER JACKSON,

*Plaintiff,*

v.

WEST VIRGINIA STATE BOARD OF  
EDUCATION, HARRISON COUNTY BOARD  
OF EDUCATION, WEST VIRGINIA  
SECONDARY SCHOOL ACTIVITIES  
COMMISSION, W. CLAYTON BURCH in his  
official capacity as State Superintendent, and  
DORA STUTLER in her official capacity as  
Harrison County Superintendent,

*Defendants,*

and

THE STATE OF WEST VIRGINIA,

*Defendant-Intervenor.*

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

**MOTION PURSUANT TO LOCAL RULE OF CIVIL PROCEDURE 7.1(a)(2) FOR  
LEAVE TO FILE CONSOLIDATED 30-PAGE REPLY BRIEF IN SUPPORT OF  
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff, by and through her counsel, pursuant to Local Rule of Civil Procedure 7.1(a)(2), respectfully requests leave to file a Consolidated Reply in Support of Plaintiff's Motion for Preliminary Injunction of up to 30 pages. This Reply brief would respond to the four separate briefs, totaling 68 pages, filed by Defendants (including Defendant-Intervenor) in response and opposition to Plaintiff's Motion for Preliminary Injunction. *See* Dkt. Nos. 47, 48, 49, 50.

Local Rule of Civil Procedure 7.1(a)(2) provides that upon a showing of good cause, the Court may allow a party to exceed the 20-page limit applicable to briefs. Here, Defendants (including Defendant-Intervenor) filed a total of four separate briefs (totaling 68 pages) in response and opposition to Plaintiff's opening brief in support of her motion for a preliminary injunction

(which was 27 pages in length, with leave of Court). Plaintiff respectfully submits that one consolidated Reply brief of 30 pages will be the most efficient and streamlined means for her to present her reply arguments to the Court, rather than filing four separate reply briefs. Good cause also exists for a 30-page consolidated Reply because Plaintiff requires sufficient space to address each of the four opposition briefs. Plaintiff will make every effort to address identical or similar arguments made by multiple Defendants simultaneously, but the four Response briefs each include some separate and discrete arguments that will require their own specific replies.

Plaintiff files this motion out of an abundance of caution and will make every effort to use as few pages as possible. However, in light of the need to reply to four separate Response briefs fully, Plaintiff respectfully submits that good cause exists under Rule 7.1(a)(2) and that authorization for one 30-page consolidated Reply brief should be granted. A proposed Order granting this Motion is submitted for the Court's convenience.

Respectfully submitted this 25th day of June, 2021,

/s/ Loree Stark

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Forthcoming*

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**CERTIFICATE OF SERVICE**

I, Loree Stark, do hereby certify that on this 25th day of June, 2021, I electronically filed a true and exact copy of Motion Pursuant to Local Rule of Civil Procedure 7.1(a)(2) for Leave to File Consolidated 30-Page Reply Brief in Support of Plaintiff's Motion for Preliminary Injunction with the Clerk of Court and all parties using the CM/ECF System. A copy of this motion will also be served to the Defendants with the Complaint.

/s/ Loree Stark

West Virginia Bar No. 12936